Remarks

Claims 1-15 and 17-40 are pending. Applicants appreciate the allowance of claims 1-15 and 26-40.

Applicants thank the Examiner for the helpful telephonic interview with the undersigned on January 22, 2004, during which the Examiner clarified his interpretation of the cited reference and basis for rejection of claims 17-25.

Claims 17, 23, and 26 have been amended, and new claim 41 added. Claim 17 has been amended, and claim 41 added, to specify that the device includes *controlled-potential instrumentation, such as a waveform generator in combination with a potentiostat*, which is capable of applying a time-varying potential *at a frequency between about 0.1 and 10,000 Hz* to the primary electrode. Claim 23 has been amended for consistency with claim 17, and claim 26 has been amended into independent form. Support for these amendments can be found at least at page 6, lines 17-20; page 9, lines 1-31; Figures 1-2; and Examples 1-2. **The present amendments were not earlier presented because the office actions failed to clearly articulate *how* the cited prior art was being interpreted and applied, thereby necessitating the recent Examiner interview for clarification. These amendments should be entered because they facilitate allowance of the claims.**

Rejections Under 35 U.S.C. § 102

Claims 17-25 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,787,898 to Santini Jr., et al. ("the Santini patent"). The rejection is respectfully traversed.

Applicants now understand that the Examiner construes the Santini patent to disclose the claim limitation "means for applying a *time-varying* potential to the primary electrode in an

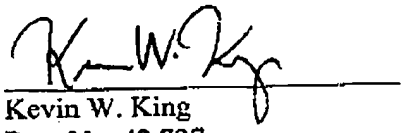
amount effective to corrode the primary electrode" because the Santini device includes a means for delivering *a* potential to the primary electrode and that potential is zero before activation of the reservoir cap. During the interview, the Examiner explained that because the Santini device can deliver no potential at time zero (before reservoir cap activation is desired) and *a constant potential* at a time greater than zero (when reservoir cap activation is desired), the device therefore provides a time-varying potential. Essentially, according to the Examiner, the capability of switching a constant potential from "off" to "on" imbues the device with a means to apply a time-varying potential. From the description of the present invention, it is clear applicants did not intend such a construction of the term "means for applying a time-varying potential." Accordingly, applicants do not agree that one skilled in the relevant art would construe the rejected claims and the Santini patent in this way.

Nevertheless, applicants have amended the claims to facilitate allowance of this case. Claim 17 has been amended, and claim 41 added, to make it more evident that the present claims require elements that undoubtedly are not disclosed in the Santini patent. Specifically, the Santini patent does not disclose or suggest a device that includes *controlled-potential instrumentation, such as a waveform generator in combination with a potentiostat*, which is capable of applying a time-varying potential *at a frequency between about 0.1 and 10,000 Hz* to the primary electrode.

Conclusion

For the foregoing reasons, the claims are patentable over the art of record. Allowance of claims 1-15 and 17-41 is therefore earnestly solicited.

Respectfully submitted,



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